

**DECLARATION - USA PATENT APPLICATION**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name;

I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled **PHENYLAHISTIN AND THE PHENYLAHISTIN ANALOGS, A NEW CLASS OF ANTI-TUMOR COMPOUNDS**; the specification of which was filed on **August 1, 2003** as Application Serial No. **10/632,688**.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above;

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56;

I hereby claim the benefit under Title 35, United States Codes § 119(e) of any United States provisional application(s) listed below.

U.S. Provisional Application No.: 60/108,211 Filing Date: November 12, 1998

U.S. Provisional Application No.: 60/108,736 Filing Date: November 17, 1998

Prior U.S.A. Applications:

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below, and insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56, which became available between the filing date of the prior application and the national filing date of this application:

Application No. 09/995,851 Filing Date: November 27, 2001 Status: Pending

Application No. 09/440,316 Filing Date: November 12, 1999 Status: Patented

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful, false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first inventor: **Yoshio Hayashi**

Inventor's signature 林 良雄

Date 12/24/03

Residence: ~~3-35-1 Ida, Nakahara-ku, Kawasaki 211-0035, Japan~~
3-9-18-301 Heso, Ritto, Shiga 520-3031, Japan

Citizenship: **Japanese**

Post Office Address: ~~3-35-1 Ida, Nakahara-ku, Kawasaki 211-0035, Japan~~
3-9-18-301 Heso, Ritto, Shiga 520-3031, Japan

Full name of second inventor: **Michael A. Palladino, Jr.**

Inventor's signature Michael Palladino

Date 12/09/03

Residence: **3357 Fortuna Ranch Road, Olivenhain, California 92024**

Citizenship: **United States**

Post Office Address: **3357 Fortuna Ranch Road, Olivenhain, California 92024**

Full name of third inventor: **Jennifer Grodberg**

Inventor's signature Jennifer Grodberg

Date 12/9/03

Residence: **3459 Calle del Sur, Carlsbad, California 92009**

Citizenship: **United States**

Post Office Address: **3459 Calle del Sur, Carlsbad, California 92009**

Send Correspondence To:
KNOBBE, MARTENS, OLSON & BEAR, LLP
Customer No. 20,995
S:\DOCS\MTM\MTM-5389.DOC:dmr 112003